

REMARKS:

REMARKS REGARDING CLAIMS AMENDMENTS:

Claim 1 has been amended to add a limitation from claim 4. Claims 3, 5, 7, and 8 have been amended to reflect a new dependency. Claim 4 has been cancelled. Claims 10 and 11 have been amended to include a new limitation. Newly added claims 12, 13, 14, 15 are claims 6, 7, 8, 9 respectively rewritten in independent form. The examiner has stated that if these claims were written in independent form they would be allowable. Newly added claims 16-19 are dependent upon the amended claim 10. Newly added claims 20-23 are dependent upon the amended claim 11.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 1 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Kamelmacher (US 3,964,840). Further, claims 1-5 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Capell (US 867,874).

Initially, it is important to be cognizant of the long-standing standard that anticipation under §102 can only be found if a reference shows exactly what is claimed. The identical invention must be shown in as complete detail as is contained in the patent claim. Furthermore, the elements must be arranged as in the claim under review.

Claim 6 has been written in independent form. Original claim 6 was held to be allowable if written in independent form. Since no prior art reference shows exactly what is contained in amended claim 6, it is an allowable claim. Further claims 7, 8, and 9 which now depend from claim 6 are allowable because claim 6 contains allowable subject matter. Applicant respectfully requests that the Examiner allow claims 6-9 as amended.

The Action describes Fig. 3 of Capell ('874) as teaching that the radially inner curved portion (A) is shorter than the radially outer curved portion (B). There is no reference to the dimensions contained in the disclosure of Capell ('874). It should also be noted that MPEP §2125 prohibits exactly this type of rejection; in relevant portion MPEP §2125 dictates:

When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.").

Thus, Fig. 3 cannot be used to say that the dimensions are disclosed because there is no indication that Fig. 3 is to scale. Likewise, Fig. 3 does not disclose the length of A between 10-40% the length of A+B. Thus, the reliance on Capell ('874) for this purpose is misplaced. Thus, the feature described above is not properly disclosed in any cited prior art in the Action. Since the relative dimensions are not described in the prior art, Applicant believes that the newly amended claim 1 is allowable. It is originally claim 1 with the added limitation found in original claim 4. This newly added limitation is addressed to the first curved portion being shorter than the second curved portion. Reliance on Capell ('874) to teach the added limitation is misplaced and thus claim 1 is allowable. Claims 2, 3, and 5 are allowable as well since Claims 2, 3, and 5 now depend from claim 1.

Similarly, claims 10 and 11 have been amended to include the limitation "said first curved portion being shorter than the second curved portion." As stated above, this limitation is not disclosed in the prior art. Thus claims 10 and 11 are allowable claims. Because Claims 16-19 are dependent upon claim 10, they are allowable claims as well. Likewise, claims 20-23 depend from claim 11, which as amended is an allowable claim.

Applicant believes that all claims currently before the office are properly allowable and respectfully requests an issuance of allowability in the next office action.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

Serial No.: 10/707,273
Confirmation No.: 1272
Applicant: LARSSON, Anders
Atty. Ref.: 07589.0081.NPUS01

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 07589.0081.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy Druce", with a stylized, cursive script.

Tracy Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.659.0100